

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 15-20 are in the present application. It is submitted that the claims, as originally presented, were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The new claims as presented herein, are not submitted for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these claims are submitted simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz et al. (U.S. Patent 5,758,257).

However, in the present invention, "said genre taste value [is] calculated using a life-scene/time function representing a relationship between the life-scene corresponding to the request time and a time-variable coefficient, said time-variable coefficient being determined by a linear interpolation on the basis of the request time." (Claims 15 and 17) The present claims have been amended to clarify that the time-variable coefficient varies as a function of time; e.g. according to linear interpolation equation 3. (Specification page 27, lines 3-22)

The Examiner contends "Herz teaches that the window for viewing programming is expressed in the calculations as a pair of time variables 'l' and 'u', which represent starting point and ending point of a window, respectively, which reads on the claimed 'time-variable

coefficient’.” (Office Action page 6, lines 4-7) However, as noted by the Examiner, Herz’ variables ‘l’ and ‘u’ represent starting and ending times; as opposed to being time-variable coefficients calculated based on the time of day as required in the present invention. For example, in Herz, ‘l’ may be a start time of 6 am and ‘u’ may be an end time of noon (‘l’ and ‘u’ do not have any variable values other than their assigned times). (Column 17, lines 57-61). By contrast, the present invention’s time-variable coefficient may be calculated using a linear interpolation based on the functions shown in Figure 25B to have many different values between 6 am and noon. Hence, the present invention’s time-variable coefficient has a value that varies with time and is therefore patentably distinguishable from Herz’ pair of time variables ‘l’ and ‘u’, which represent specified times and not values corresponding to those times. Accordingly, Herz fails to meet the “time-variable coefficient being determined by a linear interpolation on the basis of the request time” limitation as recited in the present claims.

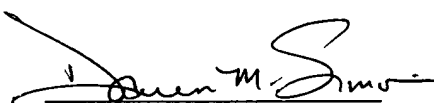
Therefore, for at least this reason, Herz fails to anticipate the present invention and claims 15-20 should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

An extension of time fee is deemed to be required for the filing of this amendment. No additional fees are anticipated, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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